

§ 1918.104

issuance by the employer to another employee.

[62 FR 40202, July 25, 1997, as amended at 74 FR 46361, Sept. 9, 2009; 77 FR 37600, June 22, 2012]

§ 1918.104 Foot protection.

(a) The employer shall ensure that each affected employee wears protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects or objects piercing the sole.

(b)(1) The employer must ensure that protective footwear complies with any of the following consensus standards:

(i) ASTM F-2412-2005, "Standard Test Methods for Foot Protection," and ASTM F-2413-2005, "Standard Specification for Performance Requirements for Protective Footwear," which are incorporated by reference in § 1918.3;

(ii) ANSI Z41-1999, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference in § 1918.3; or

(iii) ANSI Z41-1991, "American National Standard for Personal Protection—Protective Footwear," which is incorporated by reference in § 1918.3.

(2) Protective footwear that the employer demonstrates is at least as effective as protective footwear that is constructed in accordance with one of the above consensus standards will be deemed to be in compliance with the requirements of this section.

[62 FR 40202, July 25, 1997, as amended at 74 FR 46361, Sept. 9, 2009]

§ 1918.105 Other protective measures.

(a) *Protective clothing.* (1) The employer shall provide and shall require the wearing of special protective clothing for each employee engaged in work where protective clothing is necessary.

(2) When necessary, protective clothing shall be cleaned and disinfected before reissuance.

(b) *Personal flotation devices (PFDs).* (1) The employer shall provide and shall require the wearing of PFDs for each employee engaged in work in which the employee might fall into the water.

(2) PFDs (life preservers, life jackets, or work vests) worn by each affected employee must be United States Coast Guard (USCG) approved pursuant to 46

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CFR part 160 (Type I, II, III, or V PFD) and marked for use as a work vest, for commercial use, or for use on vessels.

(3) Personal flotation devices shall be maintained in safe condition and shall be considered unserviceable when damaged in a manner that affects buoyancy or fastening capability.

[62 FR 40202, July 25, 1997, as amended at 65 FR 40946, June 30, 2000]

§ 1918.106 Payment for protective equipment.

(a) Except as provided by paragraphs (b) through (f) of this section, the protective equipment, including personal protective equipment (PPE), used to comply with this part, shall be provided by the employer at no cost to employees.

(b) The employer is not required to pay for non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job-site.

(c) When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is not required to reimburse the employee for the shoes or boots.

(d) The employer is not required to pay for:

(1) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(2) Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(e) The employer must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(f) Where an employee provides adequate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall not require an employee to provide or pay for his or her own PPE, unless the PPE is excepted by paragraphs (b) through (e).